

PATENT MAINTENANUE DIVISION

PATENT Doc. No. 3981-005

#### AND TRADEMARK OFFICE IN THE UNITED STATES PATENT

PM 12: 26 2004 SEP -2

In re application of: Eugene W. Lee

Serial No.

09/676,046

Examiner: Brian D. Nguyen

Confirm. No.:

9832

Filed:

September 28, 2000

Group Art Unit: 2661

For:

SCHEDULING AND ARBITRATION SCHEME FOR NETWORK PROCESSING

**DEVICE** 

Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

### REQUEST FOR REFUND

In the above-referenced matter, as allowed under 37 C.F.R. § 1.28(a), the Applicant requests a refund of the excess amount of fees paid at the large entity rate on July 21, 2004. A copy of the transmittal letter showing large entity additional claims fee and a third extension of time fee is attached as Exhibit A. Applicant qualifies as a small entity under 37 C.F.R. § 127(a) and has provided an assertion of small entity status with this request.

Applicant respectfully requests the refund of the excess amount to be credited to Deposit

Account No. 13-1703.

Type of Payment:

Additional Claims and Extension of Time

Payment was due:

July 21, 2004

Payment was made:

July 21, 2004

Amount paid as large entity:

\$1226.00

Amount due as small entity:

\$613.00

Excess amount for credit:

\$613.00

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

James E. Harris Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C. 1030 SW Morrison Street Portland, OR 97205 (503) 222-3613

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class small in an envelope addressed to Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

te: August 27, 2004

PATENT APPLICATION Docket No. 3981-5 TATENT MAINTENANO

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DIVISION

in re application of: Eugene W. Lee

Serial No. 09/676,046

Examiner: Brun D. Nguyen

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Confirmation No.: 9832

Filed: September 28, 2000

Group Art Unit: 2661

For: SCHEDULING AND ARBITRATION SCHEME FOR NETWORK PROCESSING DEVICE

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Responsive to the Office Action dated January 21, 2004, enclosed is an amendment in the above-identified application. The fee has been calculated as shown below.

For: Number After Amendment Number		<u>CLANN</u>	SASAMEN				
Total Claims 31 31-36 1 x 518 = 518 Independent Claims 6 6-3 3 x 586 = \$258	For:			Extra	Rate		
Independent Claims 6 6.3 3 x \$86 = \$258	Total Claims	Amenonicae 31		1	x	\$18 =	\$18
Independent Claims \$950		6	£.200	3	×	\$86 =	\$258
Extension of Time – 3 <sup>rd</sup>	Independent Claims					· · · · · · · · · · · · · · · · · · ·	\$950
TOTAL ADDITIONAL FEE	Extension of Time – 3 <sup>rd</sup>						\$1,226

<sup>\*</sup>greater of twenty (20) or number for which fee has been paid

Applicant petitions the Commissioner to extend the time for response. The extension fee is 冈 included and a duplicate copy of this form is enclosed.

PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed. X X

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in anenvelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: July 21, 2004

Jessica Schulz

MARGEN TO THIS ON & McCOLLOM, P.C.

Kevin S. Ross Reg. No. 42,118

MARGER JOHNSON & McCOLLOM, P.C.

1030 SW Morrison Street Portland, OR 97205 (503) 222-3613

Customer No. 20575

EXHIBIT A



<sup>\*\*</sup>greater of three (3) or number for which the has been paid



PATERI MAMIENAN DIVISION

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#### D TRADEMARK OFFICE IN THE UNITED STATES PATE

204 SEP -2 附 12: 26

In re application of: Eugene W. Lee

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Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Reg. No. 40.013

MARGER JOHNSON & McCOLLOM, P.C. 1030 SW Morrison Street Portland, OR 97205 (503) 222-3613

ereby certify that this correspondence being deposited with the United States Postal Service as first class small in an envelope addressed to Commissioner of Patents and demarks, P.O. Box 1450, Alexandria, VA 22313-1450 te: August 27, 2004

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Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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	CLAIMS	ASAMEN	DED	· · · · · · · · · · · · · · · · · · ·		
For:	Number After	Previous	Extra	Rate		Additional Fee
· · · · · · · · · · · · · · · · · · ·	Amendment	Number	1	×	\$18 =	\$18
Total Claims					\$86 =	\$258
Independent Claims	6	6-3**	3			
Extension of Time – 3 <sup>rd</sup>	1.0					\$950 \$1,226
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						

<sup>\*</sup>greater of twenty (20) or number for which fee him bear paid

Applicant petitions the Commissioner to extend the time for response. The extension fee is 冈 included and a duplicate copy of this form is enclosed.

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Date: July 21, 2004

Kevin S. Ross Reg. No. 42.116

**BEST AVAILABLE CUP** 

MARGER JOHNSON & McCOLLOM, F.C. 1030 SW Morrison Street Portland, OR 97205 (503) 222-3613 Customer No. 20575



<sup>\*\*</sup>greater of three (3) or number for which the has been paid



## PATENT APPLICATION Attorney's Do. No. 3981-005

2004 SEP -2 PM 12: 2

#### AND TRADEMARK OFFICE IN THE UNITED STATES PATENT

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For:

SCHEDULING AND ARBITRATION SCHEME FOR NETWORK

PROCESSING DEVICE

## TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Enclosed for filing in the above-referenced application are the following:

Request for Refund of Excess Fee Amount Paid

Exhibit A (Copy of July 21, 2004 transmittal letter)

Applicant claims small entity status (see 37 C.F.R. § 1.27)

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703

Return Postcard 冈

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

nes E. Harris Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C. 1030 SW Morrison Street Portland, OR 97205 503-222-3613

BEST AVAILABLE COP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Date August 27, 2004

Lauren Ballard-Gemmell



Name/Number: 09676046

Start Date: Any Date

Total Records Found: 6

End Date: Any Date

Accounting Date 10/20/2000 10/20/2000 10/20/2000 07/27/2004 07/27/2004	Sequence Num. 00000006 00000007 00000008 00000060 00000061	Tran Type  1 1 1 1 1	Fee Code 101 103 581 1201 1202	Fee Amount Mailroom Date \$690.00 09/28/2000 \$180.00 09/28/2000 \$40.00 09/28/2000 \$258.00 07/26/2004 \$18.00 07/26/2004	Payment Method CK CK CK CC
07/27/2004	00000061	<u>1</u>	1202	\$18.00 07/26/2004	CC
07/27/2004	00000062	1	1253	\$950.00 07/26/2004	



#### PATENT APPLICATION Do. No. 3981-5



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHEDULING AND ARBITRATION SCHEME FOR NETWORK

PROCESSING DEVICE

MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RECEIVED

JUL 2 8 2004

Technology Center 2600

#### **RESPONSE TO OFFICE ACTION**

Responsive to the Office Action, dated January 21, 2004, please amend the application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Remarks/Arguments begin on page 11 of this paper.

07/27/2004 MBLAHCO 00000047 09676046

D1 FC:1201 02 FC:1202 258.00 DP 18.00 CP

07/27/2004 MBLAHCO 00000047 09676046

03 FC:1253

950.00 OP

10/08/2004 SDIRETA1 00000029 09676046

475.00 OP

129.00 OP

9.00 DP

Refund Ref: 10/08/2004

0030018071

Credit Card Refund Total:

\$613.00

VISA...: XXXXXXXXXXXXXXX5036

Page 1 of 13

Application No. 09/676,046

Adjustment date: 10/08/2004 SDIRETA1 07/27/2004 MBLANCO 00000047 09676046 -258.00 OP -18.00 OP Adjustment date: 10/08/2004 SDIRETA1 07/27/2004 MBLANCO 00000047 09676046 -950.00 OP 03 FC:1253 Docket No. 3981-5